IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
WRIT PETITION NO : 15342 of 1994

Between:

Bhagavan Pande S/o Late Juru Pande
R/o Khagaznagar Adilabad District.

..... PETITIONER

AND

1 The Assistant Collector, Land Acquisition Officer, Asifabad, Adilabad.
2 Permanent Way Inspector, South Central Railway, Khagaznagar, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in entering upon the land of the petitioner admeasuring Ac.1-01 cents comprised in Survey No.62 of Chintaguda village, Kaghaznagar Mandal, Adilabad District i.e, the land over and above Ac.7-39 cents in Survey No.62 acquired by the 1st respondent by Notification Under Sec.4 (1) of the Land Acquisition Act in G.O.Rt.No.235 Transport Road and Building Department dated 22-12-1987 published in A.P.Gazette No.3 Adilabad District dt.22-12-1987 and by Draft Declaration issued Under Sec.6 of Land Acquisition Act approved under the Government Memo.No.2412/Port-2/87/1 dated 22-2-1987 and published in A.P.Gazette No.1 Adilabad District dt.3-3-1988 as illegal, arbitrary and without jurisdiction and to direct the respondent not to enter upon the land of the petitioner admeasuring Ac.1-01 cents comprised in Sy.No.62 of Chintaguda village Kaghaznagar Mandal, Adilabad District, and pass such other order or orders.

For the Petitioner:MR.P.KRISHNA REDDY

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

ORDER:

This Writ Petition has been filed seeking a direction to declare the action of the second respondent in entering upon the land of the petitioner admeasuring Ac.1.01 cents comprised in Survey No.62 of Chintaguda village, Kaghaznagar Mandal, Adilabad District i.e., the land over and above Ac.7.39 cents in Survey no.62 acquired by the first respondent by notification under Section 4(1) of the Land Acquisition Act in GO Rt.No.235 Transport, Roads and Buildings Departments dated 22.12.1987 and by draft declaration issued under Section 6 of the Land Acquisition Act which was published in AP Gazettee No.1 Adilabad District dt.3.3.1988 as illegal, arbitrary and also sought a consequential direction to the second respondent not to enter upon the land of the petitioner admeasuring Ac.1.01 cents comprised in Survey No.62 of Chintaguda village, Kaghaznagar Mandal, Adilabad.

The petitioner in his affidavit has stated that the railway authorities are entering upon the land of the petitioner admeasuring Ac.1.01 cents though the said land was not acquired by the respondents. It is stated that the first respondent has acquired only Ac.7.39 cents in survey 62 of Chintaguda village, Kaghaznagar. It is also stated that though his land is part of the above survey number, his land was not acquired. But, the case of the petitioner is that without acquiring his land, the railway authorities are erecting fence over his land also. Hence, he filed the present writ petition.

However, it has to be observed that before this Court the petitioner did not file any material to show that the authorities of the second respondent are interfering with the possession of the petitioner. In the absence of such material, I do not find any reason to interfere with the writ petition and hence this Writ Petition needs no

interference and it is accordingly dismissed. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Collector, Land Acquisition Officer, Asifabad, Adilabad.
2. Permanent Way Inspector, South Central Railway,Khagaqnagar,Adilabad.
3. 2 CCs to GP for REVENUE,High Court Buildings, Hyderabad (O.U.T.)
4. 2 CD copies.